Gaines, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP From:

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4997AB5B3FB248E2B3DAB289ACD408B1-GAINES, LINDA]

Sent: 7/22/2019 12:30:53 PM

Libelo, Laurence [Libelo.Laurence@epa.gov]; Anderson, RobinM [Anderson.RobinM@epa.gov] To:

Subject: RE: What is a "pollutant or contaminant"?

As no PFAS is a hazardous substance, they are all categorized as pollutants and contaminants if we know the specific PFAS to have any of the effects listed in the CFR you are quoting. I am not aware of what the threshold of evidence is needed to declare them that. Considering the discussions we have had with OGC about how hazardous something needs to be to be considered a hazardous substance, my guess is that we don't have a hard and fast rule, and OGC will have no desire to set one.

We definitely think PFOA and PFOS are. I would think PFBS would be also. Probably PFNA and PFHxS and HFPO-DA. Other than those, I have no idea.

I defer to Robin if she knows of any precedents.

Linda G.T. Gaines, Ph.D., P.E., BCEE Environmental Engineer U.S. Environmental Protection Agency OLEM/OSRTI/ARD/Science Policy Branch Gaines.Linda@epa.gov Phone: (703) 603-7189

----Original Message----From: Libelo, Laurence

Sent: Monday, July 22, 2019 8:14 AM

To: Gaines, Linda <Gaines.Linda@epa.gov>; Anderson, RobinM <Anderson.RobinM@epa.gov> Subject: FW: What is a "pollutant or contaminant"?

Good morning Linda and Robin,

We got the question "how many PFAS does OLEM consider pollutants or contaminants under CERCLA 101(33)".

Any idea if there are documents on how we interpret this section? Who would know? I read is as a simple science question but I suspect that there is some historical policy info somewhere.

(33) The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs

(A) through (F) of paragraph (14) and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

From: Hovis, Jennifer

Sent: Friday, July 19, 2019 9:54 AM

To: Libelo, Laurence <Libelo.Laurence@epa.gov<mailto:Libelo.Laurence@epa.gov>>

Subject: FW: FOR RESPONSE by MONDAY COB -- HEC PFAS TA question

Importance: High

Laurence, do you have any thoughts on who is best to answer the question below?

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Jen Hovis

Chief, Construction & Post Construction Management Branch (CPCMB) Office of Superfund Remediation & Technology Innovation (OSRTI)

desk: 703.603.8888 | cell: 571.814.0303 | hovis.jennifer@epa.gov<mailto:hovis.jennifer@epa.gov>

From: Keller, Melanie

Sent: Friday, July 19, 2019 8:32 AM

To: Woolford, James <Woolford.James@epa.gov<mailto:Woolford.James@epa.gov>>; Stalcup, Dana <Stalcup.Dana@epa.gov<>> Cc: Lowery, Brigid <Lowery.Brigid@epa.gov<mailto:Lowery.Brigid@epa.gov>>; Healy, Helena <Healy.Helena@epa.gov<mailto:Healy.Helena@epa.gov>>; Hovis, Jennifer <Hovis.Jennifer@epa.gov<mailto:Hovis.Jennifer@epa.gov>> Subject: Re: FOR RESPONSE by MONDAY COB -- HEC PFAS TA question

+ Jen today Sent from my iPhone

Melanie C. Keller

Congressional Liaison
Office of Land and Emergency Management
U.S. Environmental Protection Agency

(202) 566-2772 - desk (202) 897-9357 - mobile

On Jul 19, 2019, at 7:10 AM, Keller, Melanie <Keller.Melanie@epa.gov<mailto:Keller.Melanie@epa.gov>> wrote:
Good morning,

HEC has raised the following question about PFAS as a "pollutant or contaminant" under CERCLA 101 (33).

Is OSRTI the best office to handle this question, or is it another OLEM office? Also, if we're getting into statutory definitions, my gut says we pull in OGC too. Thoughts???

This isn't "urgent" per se, but we need to keep this moving because there is a slim possibility that meetings to resolve the NDAA bills may occur before the August recess (begins July 27).

QUESTION:

Does the Agency consider one or more PFAS substances a "pollutant or contaminant" as defined in section 101(33) of CERCLA? If so, which PFAS substances does the Agency consider to meet this definition?

Thank you for your time and response, Melanie

Melanie C. Keller
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